

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Rezoning from A-1 to PUD for Deep Lake PUD (Harvey Slayton and Susan Irelan, applicants)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Cindy Matheny <sup>CM</sup> **EXT.** 7430

**Agenda Date** 04/03/02      **Regular** ☐      **Work Session** ☐      **Briefing** ☐  
**Special Hearing – 6:00** ☐      **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

Denial of the rezone from A-1 to PUD for an 18.66-acre parcel located south of SR 426 and west of Deep Lake Road, Harvey Slayton and Susan Irelan, applicants.

District 1 – Maloy

Cindy Matheny-Senior Planner

**BACKGROUND:**

The applicants are requesting a rezoning from A-1 (Agriculture) to PUD (Planned Unit Development) in order to develop a mixed-use PUD on 18.66 acres designated as Higher Intensity Planned Development (HIP) land use. Development would consist of three commercial and office parcels and 65 townhomes.

Staff is recommending denial of the request as the applicants have not provided adequate access to the site, open space and active/passive buffer requirements are not met, and adequate information for staff review of the application has not been submitted. However, staff would not have conceptual objections to the request, which places appropriate uses within the HIP land use designation, if the applicant demonstrates that the above issues are resolved in a manner meeting the intent of the HIP provisions within the Seminole County Vision 2020 plan and Land Development Code.

**Reviewed by:**

**Co Atty:** \_\_\_\_\_

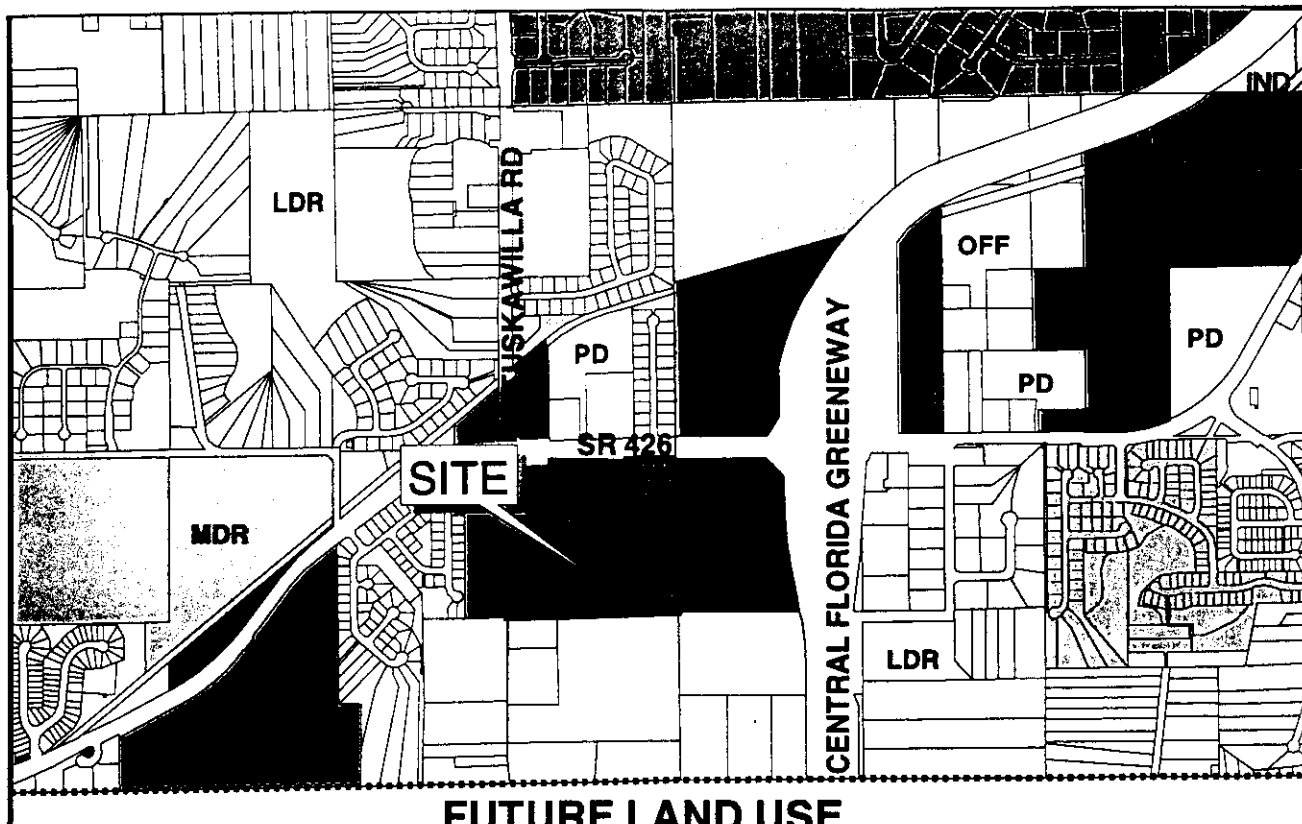
**DFS:** \_\_\_\_\_

**OTHER:** \_\_\_\_\_

**DCM:** \_\_\_\_\_

**CM:** \_\_\_\_\_

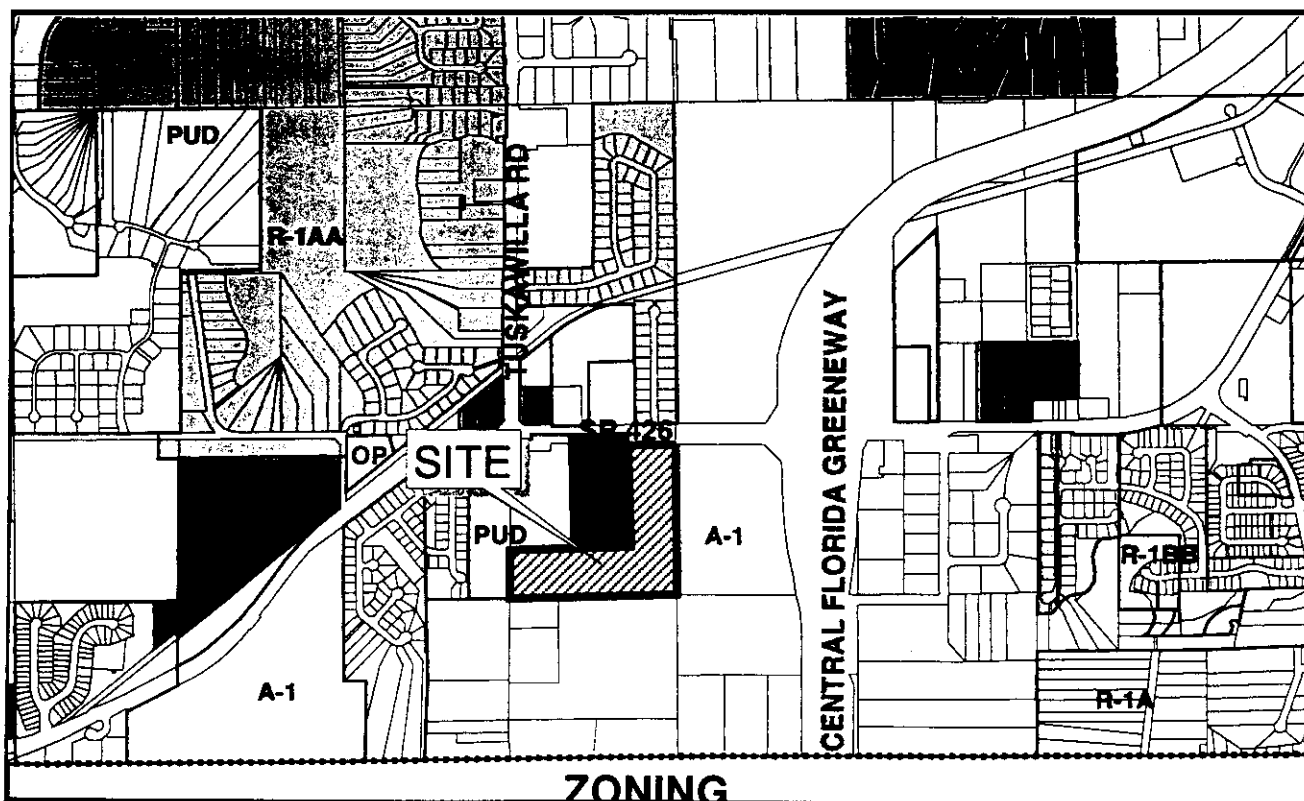
**File No.** Z2002-008



Site 
  Municipality 
  COM 
  LDR 
  HIP 
  SE 
  PD 
  MDR 
  OFF 
  IND

Applicant: Mr. Harvey Slayton & Ms. Susan S. Irelan  
 Physical STR: 36-21-30-300-0250-0000  
 Gross Acres: 18.66 BCC District: 1  
 Existing Use: Timberland  
 Special Notes:



	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2002-008	A-1	PUD



A-1 
  R-1A 
  R-1AA 
  PUD 
  OP 
  PCD 
  R-1BB 
  R-3A 
  RC-1



Rezone No. Z2002-008  
From: A-1 To: PUD

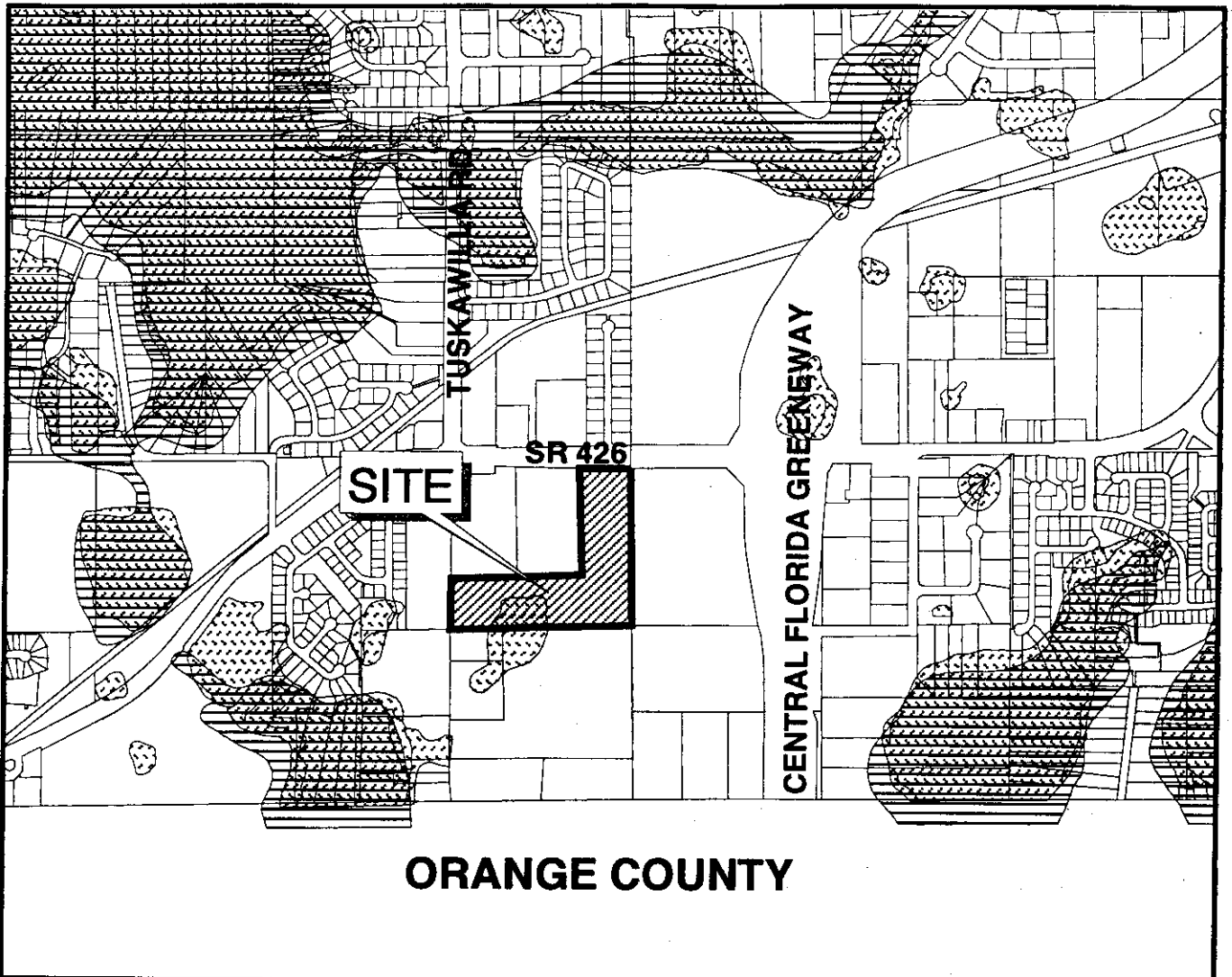
 Subject Property  
 Parcelbase



February 1999 Color Aerials

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# CONSERVATION



## ORANGE COUNTY

Rezone Z2002-008  
From: A-1 To: PUD

-  Subject Property
-  Municipality
-  Flood
-  Wetlands



*The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.*

*\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.  
Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.*

filename: /plan/cpcr02/amend/z2002-008.apr/z2002-008cons 03/18/02

[illegible][illegible]

SEATED ROADS 486  
CROSSING  
NORTH 12 W  
202.25' 92.50'  
589.74' 12 W  
186.50' 90.00'

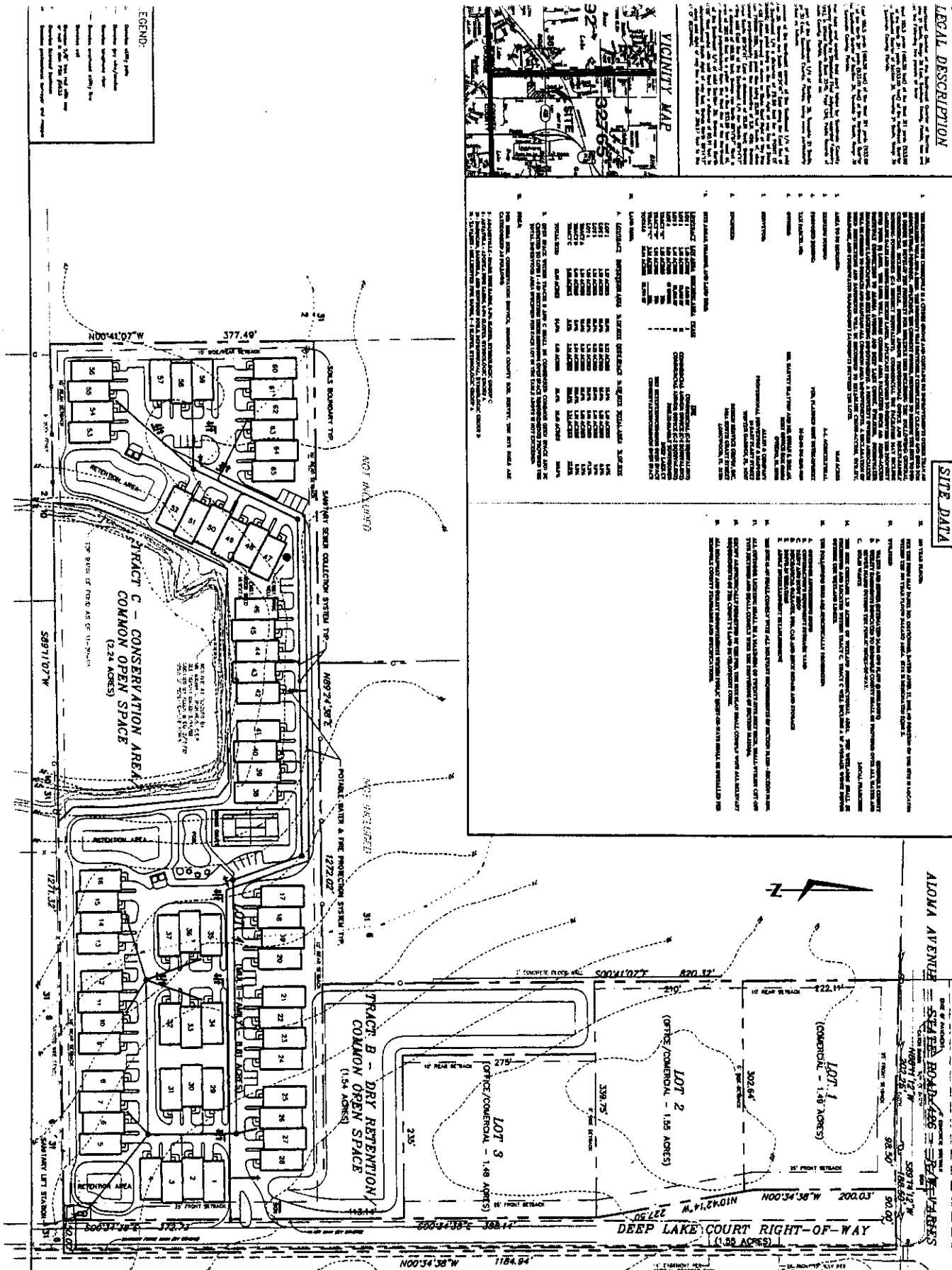
DEEP LAKE  
PUD

ALOMA DEVELOPMENT, LLC  
235 WINTER PARK AVE.  
WINTER PARK, FL 32789  
(407) 622-5263

Site Planning • Consulting Engineering • Environmental Permitting  
Florida Board of Professional Engineers Certificate of Authorization Number: 4220  
362A SOUTH GRANT STREET  
LONGWOOD, FLORIDA 32750

Phone: (407) 331-3773 Fax: (407) 240-0478 E-Mail: [designservicegroup@earthlink.net](mailto:designservicegroup@earthlink.net)

DESIGN	DRAFT	CHECK
NAME	DATE	
PROJECT NO.	02028A	
DATE	MARCH, 2002	
SCALE	1" = 60'	
SHEET	1 OF 1	



# SITE DATA

1. THE PROJECT SITE CURRENTLY IS A CITRUS GROVE AND CONTAINS NO IMPROVEMENTS OTHER THAN AN IRRIGATION WELL AND A SHED. THE PROPERTY WAS PREVIOUSLY COMPLETELY CLEARED AND USED FOR AGRICULTURAL PURPOSES. APPLICANT, THE CURRENT OWNER, PROPOSES TO REZONE THE SITE TO PUD IN ORDER TO DEVELOP THE PROPERTY FOR MULTIPLE USES INCLUDING THE FOLLOWING: GENERAL COMMERCIAL INCLUDING RETAIL, BUSINESS, AND/OR PROFESSIONAL OFFICE AND MULTI-FAMILY HOUSING-TOWNHOMES (C-2 DISTRICT EQUIVALENT). COMMERCIAL USE FACILITIES MAY INCLUDE GASOLINE SALES AND DRIVE-THRU PICKUP LANES. APPLICANT PROPOSES TO SUBDIVIDE THE PROPERTY INTO FOUR (4) LOTS. THE LOTS WILL SHARE COMMON AREA FACILITIES SUCH AS: JOINT-ACCESS DRIVEWAY CONNECTION TO ALOMA AVENUE AND DEEP LAKE COURT, UTILITIES, STORMWATER MANAGEMENT, LANDSCAPING, AND SITE LIGHTING IMPROVEMENTS. A PROPERTY OWNERS ASSOCIATION WILL BE FORMED TO OPERATE AND MAINTAIN ALL COMMON AREA IMPROVEMENTS. A DECLARATION OF DEED RESTRICTIONS AND EASEMENTS WILL BE RECORDED TO ESTABLISH CROSS-ACCESS, UTILITY, DRAINAGE, AND STORMWATER MANAGEMENT EASEMENTS BETWEEN THE LOTS.

2. AREA TO BE REZONED: 18.66 ACRES
3. EXISTING ZONING: A-1, AGRICULTURAL
4. PROPOSED ZONING: PUD, PLANNED UNIT DEVELOPMENT
5. TAX PARCEL NO: 36-21-30-300-0250-0000
6. OWNERS: MR. HARVEY SLAYTON AND MS. SUSAN S. IRELAN.  
POST OFFICE BOX 620514  
OVIDO, FL 32762
7. SURVEYOR: ALLEN & COMPANY  
PROFESSIONAL SURVEYORS & MAPPERS  
16 EAST PLANT STREET  
WINTER GARDEN, FL 34787
8. ENGINEER: DESIGN SERVICE GROUP, INC.  
362A SOUTH GRANT STREET  
LONGWOOD, FL 32750

## 9. SITE AREAS, PHASING, AND LAND USES:

LOT/TRACT	LOT AREA	BUILDING AREA	PHASE	USE
LOT 1	1.49 ACRES	5,000 SF	I	COMMERCIAL (C-2 EQUIVALENT)
LOT 2	1.55 ACRES	13,000 SF	II	COMMERCIAL AND/OR OFFICE (C-2 EQUIVALENT)
LOT 3	1.48 ACRES	12,500 SF	II	COMMERCIAL AND/OR OFFICE (C-2 EQUIVALENT)
LOT 4	8.81 ACRES	65 UNITS	I	MULTI-FAMILY TOWNHOMES
TRACT "A"	1.55 ACRES	N/A	I	DEEP LAKE CT
TRACT "B"	1.54 ACRES	N/A	I	DRY RETENTION/COMMON OPEN SPACE
TRACT "C"	2.24 ACRES	N/A	I	CONSERVATION/COMMON OPEN SPACE
TOTALS	18.66 ACRES	30,500 SF		

## 10. LAND USES:

A. LOT/TRACT	IMPERVIOUS AREA	% OF SITE	OPEN SPACE	% OF SITE	TOTAL AREA	% OF SITE
LOT 1	1.27 ACRES	85.0%	0.22 ACRES	15.0%	1.49 ACRES	8.0%
LOT 2	1.32 ACRES	85.0%	0.23 ACRES	15.0%	1.55 ACRES	8.3%
LOT 3	1.26 ACRES	85.0%	0.22 ACRES	15.0%	1.48 ACRES	7.9%
LOT 4	7.05 ACRES	80.0%	1.76 ACRES	20.0%	8.81 ACRES	47.2%
TRACT A	1.16 ACRES	75.0%	0.39 ACRES	25.0%	1.55 ACRES	8.3%
TRACT B	0.00 ACRES	0.0%	1.54 ACRES	100.0%	1.54 ACRES	8.3%
TRACT C	0.00 ACRES	0.0%	2.24 ACRES	100.0%	2.24 ACRES	12.0%
TOTAL SITE:	12.06 ACRES	64.6%	6.60 ACRES	35.4%	18.66 ACRES	100.0%

- B. OPEN SPACE WITHIN TRACTS B AND C SHALL BE CONSIDERED COMMON OPEN SPACE AND BE CREDITED TO LOTS 1 - 4 IN MEETING THEIR MINIMUM OPEN SPACE REQUIREMENTS PROVIDED THE TOTAL IMPERVIOUS AREA SPECIFIED FOR EACH LOT IN THE TABLE ABOVE IS NOT EXCEEDED.

## 11. SOILS:

PER USDA SOIL CONSERVATION SERVICE, SEMINOLE COUNTY SOIL SURVEY, THE SITE SOILS ARE CATEGORIZED AS FOLLOWS:

- 2 - ADAMSVILLE - SPARR FINE SANDS, 0-5% SLOPES, HYDROLOGIC GROUP C
- 6 - ASTATULA - APOPKA FINE SANDS, 0-5% SLOPES, HYDROLOGIC GROUP A
- 10 - BASINGER, SAMSULA, AND HONTOON SOILS, DEPRESSIONAL, HYDROLOGIC GROUP D
- 31 - TAVARES - MILLHOPPER FINE SANDS, 0 - 5 SLOPES, HYDROLOGIC GROUP A

**100 YEAR FLOOD:**

PER THE FIRM MAP PANEL NO. 12117C0210E, DATED APRIL 17, 1995, NO PORTION OF THE SITE IS LOCATED WITHIN THE 100 YEAR FLOOD HAZARD AREA. SITE IS DESIGNATED ZONE X.

**UTILITIES:**

- A. WATER AND SEWER (ESTIMATED 24,500 GPD FLOW @ BUILDOUT) SEMINOLE COUNTY
- B. UTILITY EASEMENTS DEDICATED TO SEMINOLE COUNTY SHALL BE PROVIDED OVER ALL WATER AND SEWER MAINS OUTSIDE THE PUBLIC RIGHT-OF-WAY. LOCAL FRANCHISE
- C. SOLID WASTE

THE SITE CONTAINS 1.79 ACRES OF WETLAND JURISDICTIONAL AREA. THE WETLANDS SHALL BE PRESERVED AND LOCATED WITHIN TRACT C. TRACT C WILL INCLUDE A 25' AVERAGE WIDTH BUFFER OUTSIDE THE WETLAND LIMITS.

**THE FOLLOWING USES ARE SPECIFICALLY PROHIBITED:**

- A. OUTDOOR ADVERTISING SIGNS
- B. CONTRACTOR'S EQUIPMENT STORAGE YARD
- C. PAINT AND BODY SHOP
- D. MECHANICAL GARAGES, BUS, CAB AND RUCK REPAIR AND STORAGE
- E. DRIVE-IN THEATERS
- F. ADULT ENTERTAINMENT ESTABLISHMENT

THE SITE PLAN SHALL COMPLY WITH ALL RELEVANT REQUIREMENTS OF SECTION 30.1228 - SECTION 30.1232.

ALL OUTDOOR LIGHTING SHALL BE A MAXIMUM OF TWENTY-FIVE FEET HIGH, SHALL UTILIZE CUT-OFF TYPE FIXTURES AND SHALL COMPLY WITH THE PROVISIONS OF SECTION 30.1233(b).

EXCEPT AS SPECIFICALLY PERMITTED BY THE PUD, THE SITE PLAN SHALL COMPLY WITH ALL RELEVANT REQUIREMENTS OF THE COUNTY'S LAND DEVELOPMENT CODE.

ALL ROADWAY AND UTILITY IMPROVEMENTS WITHIN PUBLIC RIGHT-OF-WAYS SHALL BE INSTALLED PER SEMINOLE COUNTY STANDARDS AND SPECIFICATIONS.

## DEEP LAKE PUD REZONING FROM A-1 TO PUD

<b>APPLICANT</b>	Susan Irelan and Harvey Slayton	
<b>PROPERTY OWNER</b>	Same	
<b>REQUEST</b>	Rezone from A-1 (Agricultural) to PUD (Planned Unit Development)	
<b>HEARING DATE (S)</b>	P&Z: April 3, 2002	BCC: April 9, 2002
<b>SEC/TWP/RNG</b>	36-21-30	
<b>LOCATION</b>	South side of SR 426, west side of Deep Lake Road	
<b>FUTURE LAND USE</b>	Higher Intensity Planned Development-Transitional	
<b>FILE NUMBER</b>	Z2002-008	
<b>COMMISSION DISTRICT</b>	# 1, Maloy	

### **OVERVIEW**

**Zoning Request:** The applicant is requesting a rezoning from A-1 (Agricultural) to PUD (Planned Unit Development) to develop three (3) commercial/office lots and 65 townhomes on an 18.66-acre site. There is a wetland in the southwest portion of the site.

The plan proposes 3 lots adjacent to Deep Lake Road which would be developed for commercial or office uses. The applicant requests the permitted and special exception uses in the C-2 zoning district, but excluding off-site signage, mechanical garages, paint and body shops, contractor's equipment storage yard, drive-in theaters, and adult entertainment establishments. A fourth tract in the south portion of the site would be developed for townhomes and related recreational uses. Staff does not have conceptual objections to the request. The site is designated as Higher Intensity Planned Development land use, which encourages intense mixed-use developments with uses such as office, commercial, and medium- or high-density residential. However, staff is of the opinion that the applicant has not adequately addressed significant issues related to buffers, access, design, and open space.

Access to the site will be via Deep Lake Road, a 16-foot wide unimproved private road also serving properties east and south of the project. Deep Lake Road provides access from SR 426 and intersects that roadway approximately 1360' east of the Tuskawilla Road extension. County records indicate that the adjacent property owners dedicated the roadway for public use but that it was never accepted by the County. The applicant is proposing to shift the road slightly west from its current location; however, it is privately owned and the applicant must receive permission from all the property owners for whom this road provides access.

Policy FLU 5.13 of the Seminole County Vision 2020 Plan indicates that "Open space in HIP-Transition areas and in areas adjacent to existing neighborhoods shall be designed to provide recreation areas for residents and adequate buffers between the HIP area and



adjacent neighborhoods.” The Seminole County Land Development Code (SCLDC) requires that commercial/office lots maintain 25% open space on each lot. The applicant is requesting that the individual lots be given credit for provision of common open space within the PUD, and that the lots be permitted to maintain up to 85% of the site as impervious area. The applicant has not provided the density for the townhouse tract, but the required open space will likely be 30-35% of the tract. The overall PUD must maintain 25% of the gross site area as common open space dedicated to a property owner’s association or the County. Based on 18.66 gross acres, the required common open space for the PUD would be at least 4.6 acres. The proposed PUD plan indicates that 3.78 acres of common open space is provided, utilizing the existing wetland and the retention pond. The plan does not meet SCLDC requirements for overall PUD open space or open space for the individual tracts.

The applicant has not provided documentation that stormwater retention areas would be amenitized as required by Sec. 30.1344 of the SCLDC in order to be included as part of the required open space. Examples of amenities include walking trails, fountains, picnic areas and gazebos surrounding an aesthetically-shaped water body. The applicant should also provide amenities to the wetland area and demonstrate that the wetland area would be open for passive use by all property owners within the PUD.

The site abuts an approved townhome project along part of the west property line, and Low Density Residential land use to the south. A single-family residential PUD is proposed to the south. Active/passive buffers required by the SCLDC for multi-family adjacent to LDR use ranges from 15 to 50 feet for buffers and 25 to 100 feet for setbacks, based on number of stories and type of use in the multi-family tract. The applicant is showing only a 10-foot wide rear setback abutting LDR. The SCLDC also requires active/passive buffers adjacent to other multi-family projects, and along the common line with the approved townhome project, only a 10-foot wide setback is shown. The applicant should be required to provide appropriate setbacks and buffers, meeting the intent of the SCLDC requirements, adjacent to residential land uses.

Staff is also of the opinion that the applicant has failed to provide adequate information regarding signage, parking, accessory uses, and building setbacks.

As noted above, Staff does not object to the proposed uses at this location, and would be able to support the request if the applicant provides sufficient documentation that the development and related standards would meet the intent of the Seminole County Vision 2020 Plan and the SCLDC regarding mixed-use development in HIP areas.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

Direction	Existing Zoning	Future Land Use
North	PUD, PCD	Higher Intensity Planned Development and Low Density Residential
South	A-1 (proposed PUD)	Low Density Residential
East	A-1	Higher Intensity Planned Development
West	PUD, PCD	Higher Intensity Planned Development

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Seminole County Comprehensive Plan.
3. The site will be served by Seminole County water and sewer.

**Compliance with Environmental Regulations:** The project must comply with the requirements of the W-1 Wetlands Overlay District. An undisturbed wetland buffer averaging 25' and not less than 15' is required landward of the wetland limits.

**Compatibility with surrounding development:** Currently, the surrounding properties have Low Density Residential and Higher Intensity Planned Development land use designations. The proposed Planned Unit Development zoning classification, with appropriate development standards, could be compatible with the adjacent land use designations. However, the applicant has not demonstrated that these standards are met.

## **STAFF RECOMMENDATION**

Staff recommends that the proposed PUD zoning:

1. Is not consistent with the provisions of the Seminole County Land Development Code related to PUD zoning; and,

2. Is not consistent with the policies of the Seminole County Vision 2020 Plan related to the Higher Intensity Planned Development future land use designation; and,
3. The applicant has not demonstrated the ability to meet SCLDC requirements related to access, design, buffering, and open space.

Therefore, Staff does not recommend the proposed rezoning from A-1 to PUD on the site.

**Z2002-008**

**ADMINISTRATIVE ORDER # 02-20500003**

**SEMINOLE COUNTY  
ADMINISTRATIVE ORDER**

On April 9, 2002, Seminole County (the "County") issued this Administrative Order relating to and touching and concerning the following described property:

See attached Exhibit "A"

(The aforescribed legal description has been provided to the County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owners:** Susan Irelan and Harvey Slayton, P.O. Box 620514, Oviedo, FL 32762

**Project Name:** Deep Lake PUD Rezone

**Requested Development Approval:** Rezoning from A-1 (Agriculture) to PUD (Planned Unit Development)

After fully considering staff analysis and all evidence submitted at the public hearing on April 9, 2002, to this matter, the Board of County Commissioners (the "Board") has found, determined and concluded that the rezoning request, as proposed, would be inconsistent with Land Development Code Requirements requiring adequate public access to the site, does not demonstrate that adequate access is provided to adjacent parcels, and has not met standards related to provision of open space and buffering.

The Board further finds that the development approval sought is inconsistent with the County's Comprehensive Plan, the County's land development regulations and all other applicable law.

Prepared by: Cindy Matheny  
1101 East First Street  
Sanford, Florida 32771

**Z2002-008**

## ADMINISTRATIVE ORDER # 02-20500003

Lastly, the Board finds that the owner will retain beneficial use of the property without the requested rezoning.

## Order

**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

(1) The aforementioned application for development approval is **DENIED**.

**Done and Ordered on the date first above.**

By: \_\_\_\_\_  
Donald S. Fisher  
Planning and Development Director

[illegible]

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Donald S. Fisher who is personally known to me or who has produced \_\_\_\_\_ as identification and who executed the foregoing instrument.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_\_ day of \_\_\_\_\_, 2002.

Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## LEGAL DESCRIPTION (PROVIDED BY CLIENT)

The Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, less and Except the Following two parcels of land:

The West 155.5 yards (466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

AND

The East 155.5 yards ( 466.50 feet) of the West 311 yards (933.00 feet) of the North 311 yards (933.00 feet) of the Northeast Quarter of the Southeast Quarter of Section 36, Township 21 South, Range 30 East, Seminole County, Florida.

Further less and except that part taken by Seminole County Expressway Authority by Stipulated Final Judgment recorded February 16, 1993, in Official Records Book 2545, Page 1319, Public Records of Seminole County, Florida, described as:

That part of the Southeast 1/4 of Section 36, Township 21 South, Range 30 East, Seminole County, Florida, being more particularly described as follows:

Commence at the Northeast corner of the Southeast 1/4 of said Section 36; thence run South 00°34'41" East along the East line of said Southeast 1/4 a distance of 25.59 feet for a POINT OF BEGINNING; said point being on the South right of way line of State Road 426 (Aloma Avenue) as shown on State Road Right of Way Map Section 770060-2501, said point also being 25.00 feet South of, when measured perpendicularly from the centerline of S.R. 426; thence continue South 00°34'41" East a distance of 95.01 feet; thence departing said East line of the Southeast 1/4 run South 89°14'17" West a distance of 188.50 feet; thence run North 88°11'07" West a distance of 202.18 feet to a point on a line 933.00 feet east of, when measured perpendicularly from the West line of the Northeast 1/4 of the Southeast 1/4 of said Section 36; thence run North 00°41'00" West parallel with said West line a distance of 85.91 feet to the aforementioned South right of way line; thence North 89°14'17" East along said right of way line a distance of 390.67 feet to the POINT OF BEGINNING.